

Entered - 02/28/00 - sb  
CL0010100 - DIANNE C. MITCHELL

00-1188

CLAIM OF: PROGRESSIVE INSURANCE  
COMPANIES AS SUBROGEE  
OF CEDRIC THOMAS  
P. O. Box 43258  
Richmond Heights, Ohio 44143

For damages alleged to have been sustained as a result  
of a vehicular accident on October 2, 1999 at  
McDonough Boulevard, SE and Boulevard, SE.

BY PUBLIC SAFETY AND LEGAL  
ADMINISTRATION COMMITTEE:

BE IT RESOLVED by the Council of the City of Atlanta  
that the action of the Department of Law be approved in  
authorizing payment to PROGRESSIVE INSURANCE  
COMPANIES AS SUBROGEE OF CEDRIC THOMAS  
the sum of \$1,000.00 in full settlement and satisfaction  
of all claims, past, present and future, of every kind and  
character for damages alleged to have been sustained as  
a result of a vehicular accident on October 2, 1999 at  
McDonough Boulevard, SE and Boulevard, SE as is  
more particularly set forth in the within claim; said sum  
taken from and charged to account  
1A01/529017/T31001, Settlement of Suits and Claims,  
Department of Law.

APPROVED: SUSAN PEASE LANGFORD  
CITY ATTORNEY

BY: *Rosalind Rubens Newell*  
ROSALIND RUBENS NEWELL  
DEPUTY CITY ATTORNEY

ADOPTED BY

AUG 07 2000

COUNCIL

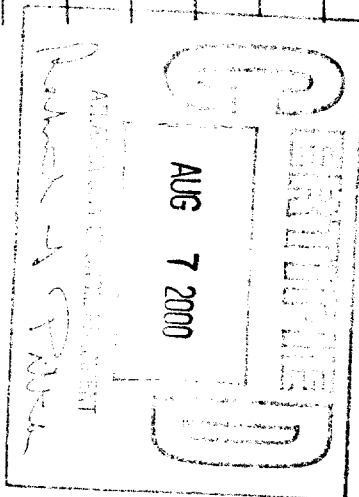
WITHOUT SIGNATURE  
BY OPERATION OF LAW

AUG 16 2000

APPROVED

CONSENT AGENDA

CERTIFIED  
AUG 07 2000  
*Rosalind Rubens Newell*  
MUNICIPAL CLERK



FAVORABLE REPORT  
COM. Public Safety  
DATE 8/1/2000  
CHM. C.T. Martin  
*Michael J. Martin*  
AUG 7 2000



**MUNICIPAL CLERK  
ATLANTA, GEORGIA**

**00-R-1188**

**A RESOLUTION**

**BY PUBLIC SAFETY &  
LEGAL ADMINISTRATION COMMITTEE**

**BE IT RESOLVED BY** the Council of the City of Atlanta that the action of the Department of Law be approved in authorizing payment to **Progressive Insurance Companies as subrogee of Cedric Thomas** in the sum of **\$1000.00** in full settlement and satisfaction of all claims, past, present and future, of every kind and character, for damages alleged to have been sustained as a result of **a vehicular accident on October 2, 1999 at McDonough Boulevard, SE and Boulevard, SE** as is more particularly set forth in the within claim; said sum taken from and charged to Account 1A01/529017/T31001, Settlement of Suits and Claims, Department of Law.

A true copy,

*Rhonda Daughlin Johnson*  
Municipal Clerk, CMC

**ADOPTED by the Council  
RETURNED WITHOUT SIGNATURE OF THE MAYOR  
APPROVED as per City Charter Section 2-403**

AUG 07, 2000

AUG 16, 2000

## DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 00L0100

Date: July 12, 2000

Claimant /Victim PROGRESSIVE INSURANCE COMPANIES AS SUBROGEE OF CEDRIC THOMAS

BY: (Atty) \_\_\_\_\_

Address: P. O. Box 43258, Richmond Heights, Ohio 44143

Subrogation: X Claim for Property damage \$ 1,779.41 Bodily Injury \$ \_\_\_\_\_

Date of Notice: 10/18/99 Method: Written, proper X Improper \_\_\_\_\_

Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X

Date of Occurrence 10/02/99 Place: McDonough Boulevard, SE and Boulevard, SE

Department PRCA Division: Parks

Employee involved Brenda Dodson Disciplinary Action: Three Day Suspension

NATURE OF CLAIM: The driver of the City vehicle rear ended the claimant's vehicle which caused the claimant's vehicle to rear end the vehicle in front of him.

### INVESTIGATION:

Statements: City employee \_\_\_\_\_ Claimant \_\_\_\_\_ Others \_\_\_\_\_ Written \_\_\_\_\_ Oral \_\_\_\_\_

Pictures X Diagrams \_\_\_\_\_ Reports: Police X Dept Report X Other \_\_\_\_\_

Traffic citations issued: City Driver \_\_\_\_\_ Claimant Driver \_\_\_\_\_

Citation disposition: City Driver \_\_\_\_\_ Claimant Driver \_\_\_\_\_

### BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial \_\_\_\_\_

Improper Notice \_\_\_\_\_ More than Six Months \_\_\_\_\_ Other \_\_\_\_\_ Damages reasonable \_\_\_\_\_

City not involved \_\_\_\_\_ Offer rejected \_\_\_\_\_ Compromise settlement X

Repair/replacement by Ins. Co. \_\_\_\_\_ Repair/replacement by City Forces \_\_\_\_\_

Claimant Negligent \_\_\_\_\_ City Negligent X Joint \_\_\_\_\_ Claim Abandoned \_\_\_\_\_

Respectfully submitted,

  
INVESTIGATOR - DIANNE C. MITCHELL

### RECOMMENDATION:

Pay \$ 1,000.00 Adverse \_\_\_\_\_ Account charged: 1A01 X 2J01 \_\_\_\_\_ 2H01 \_\_\_\_\_

Claims Manager:  Concur/date 07-12-00

Committee Action: \_\_\_\_\_ Council Action \_\_\_\_\_



PROGRESSIVE

 REEVES  
 02/22/00  
 DM

CC:99LO726

 Date Feb 16, 00  
 CERTIFIED MAIL/RETURN RECEIPT REQUESTED

 P.O. Box 43258  
 Richmond Heights, OH 44143  
 progressive.com

City of Atlanta  
Bureau of Parks  
City Hall East 8th FL  
675 Concedelon NE  
Atlanta GA 30308

 FAX 404-817-6745  
 ENTERED - 2-28-00 - SB  
 00LO100 - MIKE REEVES

Our Insured:

Our Claim No.:

Date of Loss:

Your Insured:

Time of Loss:

Loss Location:

Total Subrogation Balance:

(THIS FIGURE INCLUDES OUR INSURED'S \$ 500.00 DEDUCTIBLE)
Cedric Thomas  
993636462  
10-02-99  
City Atlanta Parks Dept / Brenda Dodson (Driver)  
3:15 PM  
MCDONOUGH BLVD + Blvd Ave SE  
1779.41

Please take this letter as formal notice of our subrogation rights with regards to the above-captioned claim. We have completed our investigation into the facts of the above-captioned loss and find that your insured was the proximate cause of the accident.

 Loss description: City Parks Vehicle RE our insured Pushing  
into Vehicle 3.

Please make your draft payable to "Progressive Insurance Company, as subrogee of Cedric Thomas", in the amount stated above and mail it to the attention of the undersigned at your earliest possible convenience.

All supporting documentation is enclosed. I have diaried my file ahead thirty (30) days. Thank you for your anticipated prompt attention to this matter..

PROGRESSIVE INSURANCE COMPANY

Bill Mabel

 Subrogation Representative  
 (440) 395-52340

 Sworn to before me and subscribed in my presence this 16 day of February, 2000

William J. Mabel  
 NOTARY PUBLIC

My commission expires

 WILLIAM J. MABEL  
 Notary Public, State of Ohio, Cuy. Cty.  
 My Commission Expires Oct. 7, 2002

SUB 22.1

GENERAL RELEASE AND INDEMNIFICATION

CLAIM NUMBER 00L0100

\$ 1,000.00

IN CONSIDERATION of the sum of ONE THOUSAND AND NO/100  
                     DOLLARS, to be paid to me by the CITY OF ATLANTA, the future receipt of which is hereby  
acknowledged, I do hereby, for myself, my heirs, executors, administrators, and assigns, release and forever  
discharge said City, its officers and employees, including but not limited to Brenda V. Dodson, from any and  
all claims, demands, actions, causes of action, suits, damages, loss and expenses, of whatsoever kind or nature for  
or on account of anything that has heretofore occurred, and particularly for or on account of a vehicular accident  
which occurred on or about the 2nd day of October, 2000,

at or near McDonough Boulevard, SE and Boulevard, SE.

It is further understood and agreed that the payment of the above named sum is not to be considered as an  
admission on the part of the City, its officers, agents, servants or employees, of any liability whatsoever and the  
undersigned further covenants and agrees to indemnify and hold harmless the City of Atlanta, its officers, agents,  
servants and employees, from any and all claims, damages or costs which the said City of Atlanta, its officers,  
agents, servants and employees, may be called upon to make as a result of the event hereinbefore referred to.

And I now state that the only consideration for my signing this release and indemnification is the payment  
of the sum stated above; that no other promise or agreement of any kind or nature has been made to or with me by  
said City or its agents to cause me to sign this release, and that I fully understand the meaning and intent of this  
instrument.

WITNESS my hand and seal this 16TH day of JUNE, 2000.

Kathleen M Knight (LS)  
**PROGRESSIVE INSURANCE COMPANIES**  
**AS SUBROGEE OF CEDRIC THOMAS**

The above release was read and explained to, and signed by the said KATHLEEN

KNIGHT in our presence on the date above written.

\_\_\_\_\_  
Witnesses

**00-R-1188**

RCS# 2153  
8/07/00  
4:06 PM

Atlanta City Council

Regular Session

CONSENT 1

Pages 1-15 KP

Adopt

YEAS: 13  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 2  
EXCUSED: 0  
ABSENT 1

SEE ATTACHED LISTING OF  
ITEMS ADOPTED/ADVERSED  
ON CONSENT AGENDA

NV McCarty  
Y Starnes  
Y Bond  
Y Winslow

Y Dorsey  
Y Woolard  
Y Morris  
Y Muller

Y Moore  
Y Martin  
Y Maddox  
Y Boazman

Y Thomas  
B Emmons  
Y Alexander  
NV Pitts

ITEM (S) REMOVED FROM  
CONSENT AGENDA  
00-O-1102  
00-R-1197  
00-R-1106  
00-R-1123  
00-R-0721

| 08/07/00 Council Meeting  |   |   |
|---|---|---|
| ITEMS ADOPTED<br>ON CONSENT<br>AGENDA   | ITEMS ADOPTED<br>ON CONSENT<br>AGENDA   | ITEMS ADVERSE<br>ON CONSENT<br>AGENDA   |
| 1. 00-O-1009<br>2. 00-O-1010<br>3. 00-O-1011<br>4. 00-O-1012<br>5. 00-O-1079<br>6. 00-O-0834<br>7. 00-O-1065<br>8. 00-O-1004<br>9. 00-O-1112<br>10. 00-R-1139<br>11. 00-R-1140<br>12. 00-R-1141<br>13. 00-R-1142<br>14. 00-R-1144<br>15. 00-R-1204<br>16. 00-R-1208<br>17. 00-R-1209<br>18. 00-R-1210<br>19. 00-R-1106<br>20. 00-R-1146<br>21. 00-R-1147<br>22. 00-R-1194<br>23. 00-R-1203<br>24. 00-R-1205<br>25. 00-R-1212<br>26. 00-R-1213<br>27. 99-R-1145<br>28. 99-R-1932<br>29. 00-R-1108<br>30. 00-R-1110<br>31. 00-R-1129<br>32. 00-R-1130<br>33. 00-R-1131<br>34. 00-R-1134<br>35. 00-R-1206<br>36. 00-R-1121<br>37. 00-R-0329<br>38. 00-R-1136<br>39. 00-R-1137<br>40. 00-R-1138 | 41. 00-R-1175<br>42. 00-R-1176<br>43. 00-R-1177<br>44. 00-R-1178<br>45. 00-R-1179<br>46. 00-R-1180<br>47. 00-R-1181<br>48. 00-R-1182<br>49. 00-R-1183<br>50. 00-R-1184<br>51. 00-R-1185<br>52. 00-R-1186<br>53. 00-R-1187<br>54. 00-R-1188<br>55. 00-R-1189<br>56. 00-R-1190<br>57. 00-R-1191<br>58. 00-R-1192<br>59. 00-R-1193<br>60. 00-R-1199<br>61. 00-R-1200<br>62. 00-R-1201<br>63. 00-R-1202 | 64. 00-R-1148<br>65. 00-R-1149<br>66. 00-R-1150<br>67. 00-R-1151<br>68. 00-R-1152<br>69. 00-R-1153<br>70. 00-R-1154<br>71. 00-R-1155<br>72. 00-R-1156<br>73. 00-R-1157<br>74. 00-R-1158<br>75. 00-R-1159<br>76. 00-R-1160<br>77. 00-R-1161<br>78. 00-R-1162<br>79. 00-R-1163<br>80. 00-R-1164<br>81. 00-R-1165<br>82. 00-R-1166<br>83. 00-R-1167<br>84. 00-R-1168<br>85. 00-R-1169<br>86. 00-R-1170<br>87. 00-R-1171<br>88. 00-R-1172<br>89. 00-R-1173<br>90. 00-R-1174 |